

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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GIUSEPPE D'ALESSANDRO  
A 22-614-321

Petitioner,

- against -

MICHAEL B. MUKASEY, United  
States Attorney General, MICHAEL  
CHERTOFF, Secretary of the Department  
of Homeland Security, MARTIN HERRON,  
Assistant Field Office Director for the  
Buffalo Federal Detention Facility for  
United States Immigration and Customs  
Enforcement, and all other persons exercising  
direct legal custody over the Petitioner,

No. 08-CV-914(RJA)(VEB)

ORDER

Respondents.

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On March 25, 2009, Magistrate Judge Bianchini, after taking submissions and holding a hearing, issued a Decision and Order granting Petitioner Giuseppe D'Alessandro bail pending final adjudication of his writ of habeas corpus petition and ordering his release to supervision (the Decision and Order). The Decision and Order directed the release to occur no later than 5 p.m. on Monday, March 30, 2009, which was amended at the request of the Government to Thursday, April 2, 2009 by Magistrate Judge Bianchini. Accordingly, pursuant to the

Decision and Order as amended release is to occur no later than 5 p.m. April 2, 2009.

An application for an emergency stay of the Decision and Order having been brought by the Government on March 27, 2009, and after submissions and a hearing held on April 1, 2009, on that application, it is hereby Ordered that:

The application for a stay of the Decision and Order is Denied, and the Decision and Order is hereby Affirmed.

SO ORDERED.

s/ Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: March , 2009